

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

MICHAEL T. MCLAUGHLIN.

Case No. 2:14-cv-00178-APG-PAL

Plaintiff,

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

JAMES G. COX, *et al.*,

(ECF No. 55)

V.

Defendants.

JAMES G. COX, *et al.*,
Defendants.

10 Plaintiff Michael T. McLaughlin moves for a default judgment. Alternatively, he requests
11 a ruling that the defendants forfeited their right to move for summary judgment by not filing a
12 motion before the dispositive motion deadline expired.

13 A default judgment can be entered only against a defendant who “failed to plead or
14 otherwise defend.” See Fed. R. Civ. P. 55(a). The defendants have appeared in this action. ECF
15 Nos. 23, 36. Default judgment therefore is not appropriate.

16 Additionally, the defendants have not forfeited their right to move for summary judgment.
17 The original dispositive motion deadline was September 21, 2015. ECF No. 24. I extended that
18 deadline to 30 days from either the close of discovery or from my order on McLaughlin's motion
19 for leave to amend. ECF No. 44. I denied the motion to amend on December 14, 2015. ECF No.
20 51. The dispositive motion deadline thus was January 13, 2016. I then granted another 30-day
21 extension. ECF Nos. 53, 54. The defendants timely filed their motion for summary judgment on
22 February 12, 2016. ECF No. 59.

IT IS THEREFORE ORDERED that plaintiff Michael T. McLaughlin's motion for default judgment (**ECF No. 55**) is **DENIED**.

25 DATED this 28th day of June, 2016.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE